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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/701,254
Filing Date	November 4, 2003
First Named Inventor	Pete Maletto
Art Unit	TBA
Examiner Name	TBA
Attorney Docket Number	104601-50376

Total Number of Pages in This Submission

5

### ENCLOSURES (Check all that apply)

- |  |   |   |
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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	R. Hain Swope, Esq.; Registration No.: 24,864 Gibbons, Del Deo, Dolan, Griffinger & Vecchione
Signature	
Date	December 18, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pete Maletto

Examiner: To Be Assigned

U.S. Serial No: 10/701,254

Group Art Unit: To Be Assigned

Filed: November 4, 2003

Docket No.: 104601-50376

For: LOW CARBOHYDRATE ICE CREAM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97 - 1.99, Applicants respectfully request that the following citations be noted in the record of the above-identified patent application. As all citations are U.S. Patents or published U.S. Patent Applications, copies are not being provided herewith. A completed Form PTO-1449 is being submitted herewith. The citations listed below are being noticed for inclusion in the record in the above-identified patent application prior to the issuance of the first Office Action therein, hence no fee is required for their submission. The following citations are discussed in the specification of the above-identified patent application:

<u>Patent Number</u>	<u>Issue Date</u>	<u>Inventor(s)</u>
USP 4,663,176	Jun 28, 1974	Arden
USP 4,657,200	Jun 23, 1987	Serpelloni <i>et al.</i>
USP 5,084,295	Jan 28, 1992	Whelan <i>et al.</i>
USP 5,145,698	Sep 8, 1992	Cajigas
USP 5,328,710	Jul 12, 1994	Malone <i>et al.</i>
USP 5,358,728	Oct 25, 1994	Martin <i>et al.</i>
USP 5,605,712	Feb 25, 1997	Bertrand <i>et al.</i>

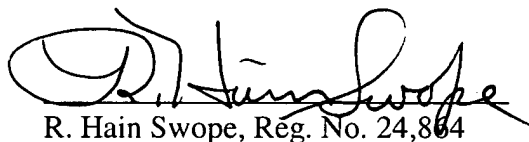
In addition, a search was carried out in the Patent & Trademark Office relative to the invention disclosed and claimed in the above-identified patent application. More particularly, the search was

carried out in Class 426, subclasses 565, 567, 571, 572, 613 and 658. The following additional citations were noted in the search, but not discussed in the above-identified patent application.

<u>Patent Number</u>	<u>Issue Date</u>	<u>Inventor(s)</u>
USP 5,645,881	Jul 8, 1997	Tancibok <i>et al.</i>
USP 6,352,734	Mar 5, 2002	Martin, Jr. <i>et al.</i>
USP 6,511,694	Jan 28, 2003	Huang <i>et al.</i>
U. S. Published Application 2003/0175396, published Sep 18, 2003, Rapp <i>et al.</i>		

The submission of the enclosed citations does not constitute an admission that they are relevant or material to the claims under consideration. Favorable consideration on the merits is courteously solicited.

Respectfully submitted,



R. Hain Swope, Reg. No. 24,864  
Attorney for Applicant  
Phone (973) 596-4905

Date: December 18, 2003

Enclosure: Form PTO-1449.

Please address all communications to:

Intellectual Property Docket Administrator  
Gibbons, Del Deo, Dolan, Griffinger & Vecchione  
One Riverfront Plaza  
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